

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Homer Jenkins,

Plaintiff,

v.

Case No. 1:23cv560

Warden, Lancaster Correctional
Institution,

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation ("R&R") filed by the Magistrate Judge on September 7, 2023 (Doc. 2).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties may forfeit rights on appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's R&R (Doc. 2) have been filed and the time to do so has expired.

Accordingly, it is **ORDERED** that the R&R (Doc. 2) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, because this Court cannot consider the case until the state court process is completed, the Petition is dismissed without prejudice to its refiling when the state process is complete.

IT IS SO ORDERED.

s/Michael R. Barrett

Michael R. Barrett, Judge
United States District Court